

**Town of Shrewsbury - Board of Selectmen
Richard D. Carney Municipal Office Building-Selectmen's Meeting Room
100 Maple Avenue
Monday, September 24, 2007 at 7:00 PM**

Minutes

Present:

Bruce Card, Maurice DePalo, John Lebeaux, James McCaffrey, Moira Miller, and Daniel Morgado, Town Manager. Mr. DePalo called the meeting to order at 7:05pm.

Preliminaries:

1. Approve bills, payrolls and warrants, #0823 in the amount of \$322,732.17, and #0826 in the amount of \$2,600,369.71. Motion made, seconded and unanimously approved.
2. Approve minutes September 10, 2007. Motion made, seconded and unanimously approved.
3. Announcements: Mr. DePalo advised that on Wednesday, September 26th SELCO will be making improvements in the town center area. In order to do this power will be shut off at approximately 11:00pm and will be restored when work is complete. In the event of inclement weather the work will be done on Thursday at the same time. The area affected is in the center around Beal School, Maple Avenue, Westwood Road and Colton Lane. Mr. DePalo announced that the Spirit of Shrewsbury Fall Festival will take place this weekend. Most activities will take place at Oak Middle School and will conclude on Sunday with a parade at 1:00pm from Beal School to Oak Middle School. He encouraged everyone to attend as there is something for everyone. Program booklets are available at the Town Hall and in various locations in town.
4. Town Manager's Report. Nothing other than what is on the Agenda.

Meetings:

5. 7:00pm – Dennis Osborn, Shrewsbury Housing Authority. Mr. Osborn, Executive Director, Anthony Cultrera, Chairman, Joan Fouhy of St. Mary's Catholic Church and other members of the Housing Authority were present. Mr. Osborn explained that the Housing Authority had been offered three houses currently owned by St. Mary's Church. These houses would be moved from St. Mary's property to Housing Authority property in order that St. Mary's can expand their school and add additional parking. There is a grant available from the Dept. of Housing & Community Development that would cover expenses so there would be no cost to the town or to the Housing Authority. The town would administer the grant. These houses would add additional and much needed housing for low income families. Mr. Cultrera advised that this is a win/win situation for all parties involved. He explained that the Housing Authority needed a vote from the Board this evening in order to file a Notice of Intent by Thursday of this week. After a discussion and questions from the Board a motion was made to authorize the Chairman to sign the Notice of Intent to the Dept. of Housing & Community Development. Motion was seconded and unanimously voted.

Public Hearings:

6. 7:30pm – L. L. & E., Inc. d/b/a Pepperoni Express, 506 Boston Turnpike, Linda Theoharis, Manager, Common Victualler's License. Hours of Operation Sunday-Saturday 11:00am to 10:00pm. Ms. Theoharis and her husband were present. They advised the Board that they currently operate a similar type business in Grafton and would like to open a business in Shrewsbury. Mr. Theoharis told the Board that this would be a pizzeria restaurant with seating for approximately 48 patrons and take out facilities. Mr. DePalo advised that all reports from department heads were favorable. Mr. McCaffrey asked if the applicants were planning on applying for an alcohol license in the future. Ms. Theoharis advised that whether they would apply for an alcohol license would be determined by whether people will come to the restaurant and eat in rather than use the take out facility. She added that they hoped to open for business sometime this week pending final inspections by the Fire Chief and Building Inspector. Mr. DePalo opened the hearing to the public and seeing no comment motion was made, seconded and unanimously voted to close the hearing. Motion was made to approve the application of L.L. & E., Inc. d/b/a Pepperoni Express, 506 Boston Turnpike for a Common Victualler's License for the hours of operation as stated in the application. Motion was seconded and unanimously approved.

Old Business:

7. Report from Bldg. Inspector Ron Alarie re Bean Counter Cake & Pastry Shop. Mr. DePalo advised that the Board had received a letter stating concerns about non-compliance and sanitary conditions at the Bean Counter and had asked the Building Inspector and Health Dept. to look into and report back. The Health Dept. reported that sanitary concerns had been addressed. The Building Inspector advised that there are no code issues; the drainage system was built as required by code. Mr. Alarie also advised that the site has 50% more open space than is required. Letter along with report to be sent to complainant. The owner of the Bean Counter to be sent a reminder regarding green space promise made at the license hearing.

New Business:

8. Sign Town Manager's Bond for \$10,000.00. Motion was made, seconded and unanimously voted to authorize the Clerk to sign the Town Manager's bond.
9. Review Massachusetts School Building Authority (MSBA) Audits--High School & Oak Middle School. Mr. Morgado reviewed the High School and Oak Middle School projects. He advised that when these projects were started the state was managing school building project under the SBAB (School Building Assistance Bureau). It has since changed to the MSBA (Mass. School Building Authority) which operates under a completely different set of rules and regulations. Audits have been completed under the MSBA rules and the Building Committee has authorized closing of both projects. Mr. Morgado advised that he was now asking for the Board's authorization. Motion was made to conclude the matter of the High School and Oak Middle School projects as authorized by the Building Committee and approved by the Town Manager. Motion was seconded and unanimously voted.
10. Act on Massachusetts Health Care Reform. Mr. Morgado advised that this is an unfunded mandate that will create a tremendous amount of paperwork. Representatives of the State Auditor's office had come to Shrewsbury in response to a letter the Board had written regarding the unfunded mandate and met with himself and the town employees most directly involved. They had advised that all businesses as well cities and towns must comply with the new law. Therefore, it does not fall under the anti-mandate provision of Prop 2 ½. Motion was made to adopt the agreement for Premium Only Section 125 Cafeteria Plan for Compliance with Massachusetts Health Care Reform. Motion was seconded and unanimously voted.
11. Worcester Regional Medical Reserve Corps – Nancy Allen. Hold for discussion at October 1st meeting.

Executive Session:

12. Collective bargaining, pending litigation and value of real property. Motion was made at 7:43pm, seconded, and unanimously voted to go into executive session for the purpose of discussing collective bargaining and value of real property and to reconvene into open session. The Board was polled, Mr. McCaffrey, yes, Mr. Lebeaux, yes, Mr. Card, yes, Ms. Miller, yes, and Mr. DePalo, yes.

Motion was made, seconded, and unanimously voted to adjourn executive session and to reconvene into open session at 9:46pm. On a roll call vote, Mr. Lebeaux, yes, Mr. McCaffrey, yes, Mr. Card, yes, Ms. Miller, yes, and Mr. DePalo, yes.

Communications:

13. Noted copy mailed: Dept. of Housing & Community Development Mass. Downtown Initiative information & application.
14. Noted copy mailed: SELCO Commission Meeting Minutes, 6/18/07.
15. Noted copy mailed: ZBA Hearing Minutes, 8/14/07, Matthew Smith, 13 Grove Ridge Path.
16. Noted copy mailed: ZBA Hearing Minutes, 6/26/07 & 8/14/07, Michael Harrington, 91 Worthington Ave.
17. Noted copy mailed: ZBA Hearing Minutes, 6/26/07, Bruce Trotto, 70 Clinton Street.
18. Noted copy mailed: ZBA Meeting Agenda, 9/26/07.
19. Noted copy mailed: Letter from Town Moderator Kevin Byrne reappointing Anthony Froio to an additional three year term on the Personnel Board expiring 6/30/10.
20. Noted copy mailed: Letter from Town Moderator Kevin Byrne appointing Andrew Carlson to the Finance Committee for a term of three years expiring 6/30/10.

21. Noted copy mailed; Letter from Town Moderator Kevin Byrne reappointing Kenneth Polito, member of the Conservation Commission, to the Lake Quinsigamond Commission for an additional term and appointing Police Chief James Hester as the Shrewsbury representative to this Commission.
22. Noted copy mailed: Senator Kerry Summer Update.
23. Noted copy mailed: Letter from Mr. Morgado to John & Lynn Keegan, 10 Rhinecliff Street, re Crosby Street subdivision.
24. Noted copy mailed: Notice from ABCC of Hearing on 9/26/07 for Zante, Inc. d/b/a Sophie's.
25. Noted copy mailed: Westborough Treatment Plant Board Meeting Minutes, 8/8/07.
26. Noted copy mailed: School Committee Meeting Agenda, 9/19/07.
27. Noted copy mailed: Letter from Walpole Board of Selectmen re MGL 40B.
28. Noted copy mailed: Letter from Monique Surdyka, 69 Clinton Street, re ZBA decision.
29. Noted copy mailed: Veolia Water Monthly Compliance Report, August 2007.
30. Noted copy mailed: Letter from Mr. Morgado to Mr. & Mrs. John Hayes, 111 Main Blvd., re yard sale sign.
31. Noted copy mailed: Letter from Mr. Morgado to Ms. Cheryl McClure, 47 Clews Street, re yard sale sign.
32. Noted copy mailed: Information from 495/MetroWest Corridor Partnership re Green Infrastructure Initiative.
33. Noted copy mailed: MMA Fall Regional Legislative Breakfast Meeting Schedule. Town Manger Morgado will host the October 19th breakfast.
34. Noted copy mailed: Information from U.S. Environmental Protection Agency re Change a Light, Change the World Campaign.
35. Noted copy mailed: Letter from Arthur Fitzgerald, Esq. representing Patrick Maunsell, One Grafton Street, re installation of awning. Mr. Morgado will handle.
36. Noted copy mailed: Letter from Mr. Morgado to Ms. Terry Waite, 9 Broushane Circle, re car wash.
37. Noted copy mailed: E-mail from Jonathan Weissman, 7131 Avalon Way, expressing interest in appointment to the Cultural Council. Hold for October 1st meeting.
38. Noted copy mailed: Letter from Cultural Council Chair, Gretchen Schultz-Ellison re nomination of Lauren Baker to the Cultural Council. Hold for October 1st meeting.
39. Noted copy mailed: E-mail from Rep. Polito re Jordon Pond Walking Trail. Has not cleared the State Senate yet.
40. Noted copy mailed: E-mail from Asst. Town Manager Michael Hale re Maple Avenue Intersection. Asst. Town Manager Michael Hale and Town Engineer Jack Perreault working with Rep. Polito and Sen. Augustus were able to get this funded.
41. Noted copy mailed: E-mail from Robert Millette, 197 North Quinsigamond Ave., re Wind power/Renewable energy. Mr. Millette to be advised that SELCO is already looking into this concept.
42. Noted copy mailed: CMMPO Meeting Notice & Agenda, 10/3/07.
43. Noted copy mailed: Letter from Mr. Morgado to Mr. & Mrs. Darin Schautz, 15 Crane Circle, re yard sale sign.
44. Noted copy mailed: Information re Municipal Coalition for Affordable Housing Seminar, October 26th.
45. Noted copy mailed: S.T.A.R. Meeting Agenda, Minutes & related material.

Motion was made, seconded, and unanimously voted to adjourn at 10:10pm. On a roll call vote Mr. McCaffrey, yes, Mr. Lebeaux, yes, Ms. Miller, yes, Mr. Card, yes, and Mr. DePalo, yes.

Respectfully submitted,

Janice C. McCoy
Secretary